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August 9, 2023

Via ECF

Honorable Eric Komitee
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Elliot M. Hirsch v. Laurie Beda, et al.
Civil Action No. 22-05011 (EK/VMS)
Letter Re Plaintiff's Request to Add Harold Sutton as a Defendant

To the Honorable Judge Komitee:

We are counsel to Rabbi Harold Sutton and have reviewed a copy of Plaintiff's August 7, 2023 letter (Docket No. 182). The letter seeks permission – with absolutely no showing of any conduct giving rise to any cognizable claim recognizable under New York law. No proposed Amended Complaint was tendered. We therefore vehemently oppose the request.


Further, Fed. R. Civ. P. 15(a) provides that a party may amend a claim once as a matter of course any time before a responsive pleading is served (or within 30 days of service if the pleading is one to which no responsive pleading is permitted). Otherwise, a party may only amend its pleading by leave of court or by written consent of the adverse party; and leave shall be given freely when justice so requires. None of these apply.

In addition, absolutely no showing has been made as to why Rabbi Sutton was not named prior. Mr. Hirsch knew of his existence (he sued the Rabbi's daughter, whom we represent), had conversations with the Rabbi (we tried resolving this matter amicably through a series of phone discussions 2 years ago) and offers no explanation for why – despite having named countless defendants, he overlooked Rabbi Sutton.

In addition, to the extent this is some attempt to drag more innocent people into a defamation case, the statute of limitations for defamation in New York is one (1) year (See N.Y. C.P.L.R. 215(3)) which has long run.

At this point we urge the Court to agree that “enough is enough.”

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Dweck', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke at the end.

THE LAW FIRM OF
JEFFREY S. DWECK, P.C.

CC: Via ECF and Email (elliothirschlaw@gmail.com)
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